

House Engrossed Senate Bill

**FILED**

**MICHELE REAGAN  
SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-third Legislature  
First Regular Session  
2017

**CHAPTER 253  
SENATE BILL 1025**

AN ACT

AMENDING SECTION 12-820.03, ARIZONA REVISED STATUTES; RELATING TO ACTIONS  
AGAINST PUBLIC ENTITIES OR EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-820.03, Arizona Revised Statutes, is amended  
3 to read:

4 12-820.03. Affirmative defense; resolution by trial

5 A. ~~Neither~~ A public entity ~~nor~~ OR a public employee is NOT liable  
6 for an injury arising out of a plan or design for construction or  
7 maintenance of or improvement to TRANSPORTATION FACILITIES, INCLUDING  
8 highways, roads, streets, bridges, ~~or rights-of-way,~~ if the plan or  
9 design is prepared in conformance with generally accepted engineering or  
10 design standards in effect at the time of the preparation of the plan or  
11 design, ~~provided, however, that~~ AND THE PUBLIC ENTITY OR PUBLIC EMPLOYEE  
12 GIVES TO THE PUBLIC A reasonably adequate warning OF ~~shall be given as to~~  
13 any unreasonably dangerous hazards which would allow the public to take  
14 suitable precautions.

15 B. IF A GENUINE ISSUE OF MATERIAL FACT EXISTS AS TO WHETHER THE  
16 PUBLIC ENTITY OR PUBLIC EMPLOYEE HAS MET THE REQUIREMENTS OF SUBSECTION A  
17 OF THIS SECTION, THE ISSUE SHALL BE RESOLVED BY A TRIAL BEFORE AND  
18 SEPARATE AND APART FROM A TRIAL ON DAMAGES.

**APPROVED BY THE GOVERNOR MAY 2, 2017.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 2017.**

Passed the House April 17, 20 17,

by the following vote: 57 Ayes,

0 Nays, 2 Not Voting

K. R. [Signature]  
Speaker of the House  
Jim Drake  
Chief Clerk of the House

Passed the Senate February 21, 20 17,

by the following vote: 17 Ayes,

13 Nays, 0 Not Voting

[Signature]  
President of the Senate  
[Signature]  
Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this~~

~~\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary to the Governor~~

~~Approved this \_\_\_\_\_ day of~~

~~\_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Governor of Arizona~~

S.B. 1025

~~EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State~~

~~this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary of State~~

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 26, 20 17

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

26<sup>th</sup> day of April, 20 17

at 11:57 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 2nd day of

May 2017

at 9:37 o'clock A. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 2 day of May, 20 17

at 12:35 o'clock P M.

[Signature]  
Secretary of State

S.B. 1025